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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 12423-b. 2/64/Law *Dated, Trivandrum, 13th November, 1964.*

The following Ordinance promulgated by the President and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 5th November, 1964, is hereby republished for general information.

By order of the Governor,

P. UNNIKRISHNA KURUP,
Law Secretary.

THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 1964

No. 3 OF 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

An Ordinance further to amend the Essential Commodities Act, 1955, and the Criminal Law Amendment Act, 1952.

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance,—

1. *Short title and commencement.* (1) This Ordinance may be called the Essential Commodities (Amendment) Ordinance, 1964.

(2) It shall come into force at once.

2. *Act 10 of 1955 and Act 46 of 1952 to be temporarily amended.* During the period of operation of this Ordinance,—

(1) the Essential Commodities Act, 1955, (10 of 1955) shall have effect as if after section 12, the following section had been inserted, namely:—

"12A. *Power to try summarily.* (1) Notwithstanding anything contained in sub-section (1) of Section 260 of the Code of Criminal procedure, 1898 (5 of 1898) any magistrate of the first class specially empowered in this behalf by the State Government or any presidency magistrate shall try in a summary way all offences relating to the contravention of any such order made under section 3 as the Central Government may by notified order specify in this behalf, and the provisions of Chapter XXII of the said Code shall, as far as may be, apply to such trial :

Provided that in the case of any conviction under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year.

(2) Notwithstanding anything contained in section 414 of the Code of Criminal Procedure, 1898, (5 of 1898), there shall be no appeal by a convicted person in any case tried summarily under this section in which the magistrate passes a sentence of imprisonment not exceeding one month or of fine not exceeding two thousand rupees, or both.";

(2) the Criminal Law Amendment Act, 1952 (46 of 1952), shall have effect as if after section 8, the following section had been inserted, namely:—

"8 A. *Power to try summarily.* (1) Where a special judge tries any offence specified in sub-section (1) of section 6 alleged to have been committed by a public servant in relation to the contravention of any such order made under section 3 of the Essential Commodities Act, 1955, (10 of 1955) as may be specified by the Central Government by a notified order made under section 12 A of that Act, then, notwithstanding anything contained in sub-section (1) of section 8 of this Act or sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, (5 of 1898) the special judge shall try the offence in a summary way, and the provisions of Chapter XXII of the said Code shall, as far as may be, apply to such trial:

Provided that in the case of any conviction under this section, it shall be lawful for the special judge to pass a sentence of imprisonment for a term not exceeding one year.

(2) Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1898 (5 of 1898) there shall be no appeal

Kerala Gazette No. 45 dated 17th November 1964.
PART IA

MINISTRY OF LAW

(Department of Legal Affairs)

NOTIFICATION

New Delhi, the 12th October 1964

S. O. 3661.—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (43 of 1950), the Central Government after consulting the Election Commission, hereby makes the following rules further to amend the Registration of Electors Rules, 1960, namely:—

1. **Short title and commencement**—(1) These rules may be called the Registration of Electors (Amendment) Rules, 1964.

(2) They shall come into force on the 1st November, 1964.

2. **Amendment of rule 14.**—In rule 14 of the Registration of Electors Rules, 1960 (hereinafter referred to as the principal Rules), in clause (b), the word "regisetred" shall be omitted.

3. **Amendment of rule 21.**—Rule 21 of the principal Rules shall be renumbered as sub-rule (1) thereof and—

(a) in sub-rule (1) as so renumbered, the words and figure "to the late receipt of any statements under rule 7 or" shall be omitted; and

(b) after sub-rule (1), as so renumbered, the following sub-rule shall be inserted, namely :—

"(2) If any statements under rule 7 are received after the publication of the roll in draft under rule 10, the registration officer shall direct the inclusion of the names of the electors covered by the statements in the appropriate parts of the roll.".

4. **Amendment of rule 30**—In rule 30 of the principal Rules, in sub-rule (2),—

(a) for the words and figures "rules 26 and 27", the words, brackets and figures "rule 26 except sub-rules (3) and (4) thereof and rule 27" shall be substituted ;

(b) after the proviso, the following proviso shall be inserted, namely :—

"Provided further that where—

(a) an application referred to in sub-rule (1) of rule 26 is received by the chief electoral officer, he shall direct the electoral registration officer to refer, and

(b) where such application is received direct by the electoral registration officer, he shall refer such application to the chief executive officer of the local authority concerned and on receipt of information in relation thereto from the chief executive officer, the electoral registration officer shall act in accordance with clause (d) of sub-section (2) of section 27.".

G. 3315

5. *Substitution of new Forms for Forms* 2, 6 *and* 7.—For Forms 2, 6 and 7 appended to the principal Rules, the following Forms shall respectively be substituted, namely :—

"FORM 2

(*See* rule 7)

Statement as to place of Ordinary Residence by a member of the Armed Forces.

I hereby declare that I am a citizen of India and that but for my service in the Armed Forces I would have been ordinarily resident at

House No...
Street/Mohalla ....
Locality ....
Town/Village ....
Post Office.................... ....
Police Station..
Tehsil/Taluka ....
District............................... ....
State...
My full name...
Service No....... ....Rank........................
Service/Corps/Regiment ....
Name and address of record office............................ ....
Age last birthday...years.

*I further declare that my wife..................................
age..............years, ordinarily resides with me and is a citizen of India.

This cancels any previous statement as to ordinary place of residence made by me.

Date..............196 .   ...
Signature.

Record Office
Folio No.............

Verified and found correct.
(Signature)..................
(Designation)................
Officer-in-Charge, Records.

Place.................
Date..................

(*For use in the Election Office*)

Statement received on the.........................196 .
Registered in the electoral roll for the..................

Assembly Constituency (No..................), Service voters' part, at
S. No......................
Date........ ....196 .   ...
Chief Electoral Officer.

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*Delete if not applicable.

"FORM 6

[*See* rules 13 (1) and 26]

Claim Application for inclusion of name

To

The Electoral Registration Officer

.... Constituency.

Sir,

I request that my name be included in the electoral roll for the above constituency in Part No. ....relating to ....

My name (in full)..

My father's/Mother's/Husband's name..........................

Particulars of my place of residence are:—

House No..

Street/Mohalla...

Town/Village ....

Post Office ....

Police Station/Tehsil/Taluka.......... ....

District ....

I hereby declare that to the best of my knowledge and belief:

(i) That I am a citizen of India;

(ii) that my age on the first day of January last was.........years and ....months;

(iii) that I am ordinarily resident at the address given above;

(iv) that I have not applied for the inclusion of my name in the electoral roll for any other constituency;

(v) that my name has not been included in the electoral roll for this or any other assembly constituency;

Or

that my name may have been included in the electoral roll for the..............assembly constituency in.............. State under the address mentioned below and, if so, I request that the same may be excluded from the electoral roll:—

....

....

....

Place....................

Date ....

....

Signature or thumb impression of claimant.

I am an elector included in the electoral roll of the same part in which the claimant has applied for inclusion, *viz*., Part No. ....relating to .... My serial number therein is .... I support this claim and countersign it.

....

Signature of the elector.

Name (in full)........................

NOTE—Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 31 of the Representation of the People Act, 1950."

"FORM 7

[*See* rules 13 (2) and 26]

Objection to inclusion of name

To

The Electoral Registration Officer,
.... Constituency.

Sir,

I object to the inclusion of the name of ....
at Serial No. ....in part ....
of the electoral roll for the following reason(s):—

....
....
....

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

My name has been included in the electoral roll for this constituency as follows:—

Name in full ....
Father's/Husband's/Mother's Name ....
Serial No. ....
Part No. ....

....
Signature/thumb impression of objector.
(Full postal address).................
....

Date ....

I am an elector included in the same part of the electoral roll in which the name objected to appears, *viz.* Part No........... relating to.......... My serial number therein is ....I support this objection and countersign it.

....
Signature of the elector.
Name (in full)..................

NOTE—Any person who makes a statement or declaration which he either knows or believes to be false or does not believe to be true is punishable under section 31 of the Representation of the People Act, 1950".

[No. F. 7 (3)/64-Elec.]

G. R. BAL,

Joint Secretary and Draftsman